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CONCLUDING DOCUMENT OF THE TWELFTH
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ASSEMBLY

SECURITY COUNCIL
Fifty-first year

Letter dated 1 July 1996 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a copy of the press release issued by the Ministers for Foreign Affairs of Ecuador and Peru following their meeting in Buenos Aires on 18 and 19 June 1996 (see annex I), at which they continued the process of identifying the procedures to be followed at the talks to be held in Brasilia on point 6 of the Itamaraty Declaration, which concerns the solution of the impasses remaining between the two countries.

I also attach the 18 June 1996 declaration by the Guarantor Countries (annex II) to which the press release refers, and the text of the Itamaraty Declaration of Peace between Ecuador and Peru, signed in Brasilia on 17 February 1995 (annex III).

I should be grateful if you would have this letter and its annexes distributed as a document of the General Assembly, under items 71 (g) and 72 of the preliminary list, and of the Security Council.

(Signed) Luis VALENCIA RODRIGUEZ
Permanent Representative

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* A/51/50.

ANNEX I

Press release issued in Buenos Aires on 19 June 1996 by the Ministers for Foreign Affairs of Peru and Ecuador

The Ministers for Foreign Affairs of Peru and Ecuador, Francisco Tudela and Galo Leoro Franco, respectively, met in Buenos Aires on 18 and 19 June 1996, together with the representatives of the Guarantor Countries, to continue the process of identifying the procedures to be followed at the forthcoming talks in Brasilia.

On this occasion, the following agreements were reached:

1. Headquarters. The talks will be held in Brasilia, to which end the consent of the Government of Brazil has been obtained.

2. Delegations. The delegations of each country will be national and representative; they will consist of a maximum of five persons and will have such technical advisers as are deemed appropriate.

3. Guarantors. The Guarantor Countries of the Protocol of Rio de Janeiro will participate actively and independently in the talks.

4. Confidentiality. The talks will be confidential. Any information that is made public will first be approved by the Parties and the Guarantor Countries.

5. Subject. The talks will deal with the remaining impasses, lists of which were exchanged by the Parties in Brasilia on 6 March 1996, in accordance with paragraph 2 of the Quito Agreement of 23 February 1996.

6. Procedure. For the adoption of the procedure to be followed by the Parties in the Brasilia talks, it was agreed to take into account the declaration made by the Guarantor Countries in Lima on 18 January 1996, which contains the following points:

(a) The Parties will talk directly, with the participation of the Guarantor Countries;

(b) If disagreements arise in the course of the talks, the Guarantor Countries will make evaluations, recommendations, suggestions, demands and declarations in keeping with the spirit of the 1942 Protocol of Rio de Janeiro;

(c) The Parties, if they so agree, will make it mandatory that they refer to the Guarantor Countries issues on which they have not reached agreement, in accordance with the provisions of article seven of the 1942 Protocol of Rio de Janeiro;

(d) It will be for the Parties to decide whether or not to accept proposals made by the Guarantor Countries.

7. In keeping with the declaration made by the Guarantor Countries on 18 June 1996 in Buenos Aires, such cooperation with and assistance to the Parties will be provided within the framework of the Rio Protocol and subject, in particular, to articles seven and nine thereof.

8. Furthermore, to supplement the adoption of the above procedure, the delegation of Peru stated its position on the application of article seven of the 1942 Protocol of Peace, Friendship and Boundaries. The delegation of Ecuador, for its part, proposed that, in the absence of agreement and after exhausting all the channels mentioned above, a comprehensive, binding decision must be sought, with the prior approval of the Parties, from an eminent person designated by the Guarantor Countries. Both statements of position are annexed to this press release (see appendix).

9. MOMEP. The delegations of Ecuador and Peru make known their satisfaction at the decision taken by the Guarantor Countries to extend the mandate of the Ecuador-Peru Military Observer Mission (MOMEP) until 6 September 1996.

10. Future programme of work. Ecuador and Peru renewed their commitment to the ongoing diplomatic process and their determination to find a lasting solution to the remaining impasses, in accordance with point 6 of the Itamaraty Peace Declaration. To that end, the Foreign Ministers will meet again as soon as possible in Santiago, as already agreed with the Government of Chile, to complete identification of the procedures to be followed in the Brasilia talks, which they hope to begin in the course of this year.

Prior to the start of deliberations, the Foreign Ministers of Ecuador and Peru, together with the representatives of the Guarantor Countries, Ambassadors Ivan Cannabrava (Brazil), Juan José Uranga (Argentina), Favio Vio (Chile) and Luigi Einaudi (United States of America) met with the Argentine Foreign Minister, Guido di Tella, and were received by the President, Carlos S. Menem. The Foreign Ministers of Ecuador and Peru thanked the Government of the Argentine Republic for its generous hospitality as host of the talks.

APPENDIX

Proposal by Ecuador

(a) The delegations will consider and resolve the dispute defined in the list of impasses exchanged between the Parties on 6 March 1996, in order to arrive at a comprehensive, equitable and binding settlement that reconciles the interests of the Parties.

(b) Should the Parties fail to agree on a solution to the impasses, the Guarantor Countries of the Protocol of Rio de Janeiro, at their own initiative or at the request of one or both Parties, will make suggestions or recommendations for achieving that end.

(c) If one or both Parties does not agree to accept the recommendation or recommendations made by the Guarantor Countries, the latter, with the approval of the Parties, will designate an eminent person who, in accordance with a procedure to be agreed, will issue a binding decision in accordance with the criteria established in paragraph (a). To that end, the Parties will send that person the text of any provisional agreements which they have reached on resolving the impasse or impasses, for incorporation in his final decision.

(d) The procedure mentioned in paragraph (c) will be determined by the Guarantor Countries and the eminent person and will be submitted to the Parties for approval.

Proposal by Peru

The Parties agree that, if any doubts or disagreements arise in the course of the substantive talks in Brasilia, article seven of the 1942 Protocol of Rio de Janeiro will apply on an automatic, mandatory and immediate basis. The formula proposed by the Guarantor Countries to resolve those doubts or disagreements, according to their nature and based on article nine of the Rio Protocol, will require the approval of the Parties. The solution resulting from the formula thus proposed and approved will also require the express acceptance of the Parties.

ANNEX II

Declaration issued by the Guarantor Countries on 18 June 1996

1. We, the Guarantor Countries, have taken special note of the progress of the talks held today as part of the third meeting of the Foreign Ministers of Ecuador and Peru. We observe, in this connection, that initial differences emerged in the positions of the Parties but that there were also points on which agreement might be possible. To that end, we suggest that a working group be established between the Parties to build on those points of agreement and resolve those differences.

2. Furthermore, we consider it relevant to reiterate what we said in our 17 February 1995 declaration, signed in Brasilia, in which we pledged to fulfil all the responsibilities which we undertook upon signing as guarantors the 1942 Protocol of Rio de Janeiro.

We, the Guarantor Countries, will provide this cooperation and assistance to the Parties within the framework of that Protocol and, in particular, of articles seven and nine thereof. Accordingly, we, the Guarantor Countries, wish to reiterate the terms of the declaration made in Lima on 18 January 1996.

ANNEX III

Itamaraty Declaration of Peace between Ecuador and Peru signed in Brasilia on 17 February 1995

At the high-level diplomatic meeting of the Guarantor Countries of the Protocol of Rio de Janeiro, the deputy Foreign Ministers of Ecuador and Peru, Ambassador Marcelo Fernández de Córdoba and Ambassador Eduardo Ponce Vivanco, on behalf of their Governments, confirm the cessation of hostilities between Ecuador and Peru, in accordance with the official communiqués issued by the two Governments, as of 12.00 (twelve) noon, Quito and Lima time, on 14 February.

In order to consolidate the cease-fire agreement and to prevent further confrontations that would disturb the relations of peace, friendship and good-neighbourliness between Peru and Ecuador,

The two Parties agree:

1. To accept with gratification the offer of the Guarantor Countries to send an observer mission to ensure strict fulfilment of the commitments set forth in points 2, 3 and 5 of this agreement. The Parties request that the initial duration of the mission be 90 days, with the possibility of extension if necessary, for which purpose the Parties and the Guarantor Countries shall promptly make the appropriate arrangements. The observer mission of the Guarantor Countries shall begin its work when military operations are suspended. The Parties agree to provide the necessary support and facilities to enable the observer mission to carry out its tasks and to guarantee the physical safety of its members, which will be the subject of an "identification of procedures" between the Parties and the Guarantor Countries in due course. In addition, the Parties agree to designate immediately the military officials who will act as liaison with the observer mission.

2. To separate immediately and simultaneously all troops of the two countries involved in the confrontation, so as to eliminate any risk of renewed hostilities, with priority to be given to forces that are in direct contact. In this regard, the Ecuadorian troops shall assemble at the post of Coangos (03 degrees 29' 40.9" S/ 78 degrees 13' 49.67" W) and the Peruvian troops at PVI-observation post No. 1 (03 degrees 32' 00" S/ 78 degrees 17' 49" W) and agree not to undertake military movements in the conflict zone. In view of the importance of this commitment, the Parties guarantee that the observer mission will be in a position to verify its observance. The separation of forces shall be carried out under the supervision of the Guarantor Countries. The observer mission shall instal centres of operation at the points considered to be of greatest tension, such as Tiwintza and Base Sur.

3. To request that the observer mission of the Guarantor Countries, in the context of fulfilment of the provisions of the preceding point, recommend to the Governments of Ecuador and Peru that an area be totally demilitarized, bearing duly in mind the assurances needed for the security of the neighbouring areas in both countries.

4. To state that the geographical references given in point 2 shall apply only to execution of the aforementioned processes of demilitarization and separation of forces.

5. To initiate immediately, as a confidence-building measure, in the border zones not directly affected by the clashes and under the supervision of the Guarantor Countries, a gradual and reciprocal demobilization, with the return of units deployed in the military operations to their garrisons and bases.

6. To initiate talks, in the context of paragraph 4 of the communication sent to the Governments of Ecuador and Peru by the Guarantor Countries of the Protocol of Rio de Janeiro on 27 January 1995, for finding a solution to the remaining impasses, as soon as the foregoing points have been fulfilled and a climate of detente and friendship between the two countries has been restored.

IN WITNESS WHEREOF, the representatives of Ecuador and Peru sign this Declaration in two copies in the Spanish language, in the city of Brasilia at _____ on 17 February 1995, in the presence of the representatives of Argentina, Brazil, Chile and the United States of America, the Guarantor Countries of the Protocol of Rio de Janeiro.

Done at Itamaraty Palace, Brasilia, on 17 February 1995.

[Signed]

For the Republic of Ecuador:
Marcelo FERNÁNDEZ DE CÓRDOBA

[Signed]

For the Republic of Peru:
Eduardo PONCE VIVANCO

For the Guarantor Countries:

Argentine Republic:
[Signed] Juan José URANGA

Federative Republic of Brazil:
[Signed] Sebastião do Rego BARROS

Republic of Chile:
[Signed] Fabio VÍO UGARTE

United States of America:
[Signed] Melvyn LEVITSKY